

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

STEPHANIE SMITH,)	
)	
Plaintiff,)	
)	NO.
vs.)	
)	
UNKNOWN LAKE COUNTY)	
METROPOLITAN ENFORCEMENT GROUP)	
POLICE OFFICER,)	
)	JURY DEMAND
Defendant.)	

COMPLAINT AT LAW

NOW COMES, STEPHANIE SMITH, by and through her attorneys, MICHAEL D. ROBBINS & ASSOCIATES; LAW OFFICES OF JEFFREY J. NESLUND and LEWIS GAINOR & ASSOCIATES, PC, and in complaining of the Defendant, UNKNOWN LAKE COUNTY METROPOLITAN ENFORCEMENT GROUP POLICE OFFICER, states as follows:

INTRODUCTION

1. This is an action for civil damages brought pursuant to 42 U.S.C. Sec. 1983 for the deprivation of Plaintiff's constitutional rights. This Court has jurisdiction pursuant to 28 U.S.C. Sec. 1331 and 1343.
2. Venue in this district is proper pursuant to 28 U.S.C. sec. 1391 (b), because the facts which give rise to the claims asserted herein occurred in the Northern District of Illinois.
3. Plaintiff, STEPHANIE SMITH, is an individual who at all times relevant hereto was living in the Northern District of Illinois.

4. Defendants, UNKNOWN LAKE COUNTY METROPOLITAN ENFORCEMENT GROUP POLICE OFFICER, was at all times material hereto, a duly appointed law enforcement officer assigned to work in conjunction with the Lake County Metropolitan Enforcement Group acting in the capacity of a sworn law enforcement official.

FACTUAL SUMMARY

5. On or about March 20, 2013, at approximately 4:00 a.m. Plaintiff was at home sleeping in her residence located at 1500 Elizabeth Street, North Chicago, Illinois.

6. On the date and time in question, numerous police officers forcibly entered the apartment with great violence using multiple explosive devices.

7. Upon entry, numerous police immediately went throughout the residence and detained the two occupants, Plaintiff and Jesse Smith, her brother, at gun point.

8. Plaintiff was detained in the hall of the apartment after she exited her bedroom, by a group of officers who had their guns pointed at the Plaintiff.

9. The Plaintiff's dog was awoken by the entry of the police into the apartment and emerged from the bedroom with the Plaintiff. Plaintiff's dog was standing by Plaintiff's side in the hallway while groups of police surrounded the Plaintiff and her dog. The police had their guns drawn and pointed at the Plaintiff who was unarmed. The Plaintiff's dog remained at her side.

10. As Plaintiff and her dog stood in the hallway, surrounded by police, the DEFENDANT OFFICER stepped forward from behind two officers and shot Plaintiff's dog multiple times in the head and body for no reason whatsoever, killing Plaintiff's dog. At the time she was shot the Plaintiff's dog was completely stationary and was not threatening any of the officers.

COUNT I **42 U.S.C. § 1983: Excessive Force**

11. Plaintiff re-alleges and incorporates paragraphs 1-10 above as fully stated herein.

12. The acts of the DEFENDANT OFFICER were a deliberate and malicious deprivation of the Plaintiff's constitutional rights against excessive force as guaranteed to the Plaintiff by the Fourth Amendment of the Constitution and made applicable to the states by the Fourteenth Amendment.

13. As a result of the unreasonable and unjustifiable excessive force used by the DEFENDANT OFFICER, the Plaintiff suffered physical and emotional injuries, and other damages in violation of 42 U.S.C. 1983.

COUNT II

State Law Claim – Intentional Infliction of Emotional Distress

14. Plaintiff realleges and incorporates paragraphs 2-10 above as fully stated herein.

15. The acts and conduct of the DEFENDANT OFFICER, as set forth above were extreme and outrageous. DEFENDANT OFFICER intended to cause, or were in reckless disregard of the probability that their conduct would cause, severe emotional distress to Plaintiff.

16. The DEFENDANT OFFICER'S actions and conduct did directly and proximately cause severe emotional distress to Plaintiff and thereby constituted intentional infliction of emotional distress.

17. The misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to the rights of Plaintiff.

COUNT III

42 U.S.C. § 1983 – Unlawful Seizure

18. Plaintiff re-alleges and incorporates all of the allegations in the preceding paragraphs as though fully set forth within.

19. At the time of the shooting, Plaintiff was the legal owner of Lokey, a friendly two

year old pet dog.

20. The DEFENDANT OFFICER was acting under color of law when he shot and killed Lokey.

21. The DEFENDANT OFFICER conducted an unconstitutional seizure of Ms. Smith's property by shooting and killing her pet dog without any lawful or reasonable basis.

22. As a result of this unlawful seizure, Ms. Smith suffered severe property damages in the killing of her pet dog, as well as the emotional loss of companionship and the pain of knowing that Lokey suffered a painful and needless death.

23. These actions were objectively unreasonable and were undertaken intentionally with malice, willfulness, and reckless indifference to Ms. Smith's property rights.

WHEREFORE, Ms. Smith demands judgment be entered in her favor and that she be awarded compensatory and punitive damages, reasonable attorneys' fees, costs, and expenses and such other and further relief that this Honorable Court deems just.

COUNT IV
State Claim – Conversion

24. Plaintiff re-alleges and incorporates all of the allegations in the preceding paragraphs as though fully set forth within.

25. At the time of the shooting, Plaintiff was the legal owner of Lokey, a friendly two year old pet dog.

26. Plaintiff's rights include the absolute, unconditional right to immediate possession of her pet dog, Lokey.

27. The DEFENDANT OFFICER shot and killed Plaintiff's pet dog wrongfully and without authorization.

WHEREFORE, Ms. Smith demands judgment be entered in her favor and that she be awarded compensatory and punitive damages, reasonable attorneys' fees, costs, and expenses and such other and further relief that this Honorable Court deems just.

REQUEST FOR RELIEF

28. Plaintiff, STEPHANIE SMITH, respectfully requests that the Court:
- a. Enter judgment as to each claim in his favor and against Defendant, UNKNOWN LAKE COUNTY METROPOLITAN ENFORCEMENT GROUP POLICE OFFICER;
 - b. Award compensatory damages against Defendant, UNKNOWN LAKE COUNTY METROPOLITAN ENFORCEMENT GROUP POLICE OFFICER;
 - c. Award reasonable attorneys' fees against Defendant, UNKNOWN LAKE COUNTY METROPOLITAN ENFORCEMENT GROUP POLICE OFFICER;
 - d. Award punitive damages against UNKNOWN LAKE COUNTY METROPOLITAN ENFORCEMENT GROUP POLICE OFFICER in his individual capacities; and
 - e. Grant any other relief this Court deems just and appropriate.

JURY DEMAND

Plaintiff, STEPHANIE SMITH, demands a trial by jury under the Federal Rule of Civil Procedure 38(b) on all issues so triable.

Respectfully submitted,

/s/ Michael D. Robbins
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